

# Record Retention FAQ

## Record Retention

Type of Record	Retention Period
<b>General</b>	
<b>Records related to:</b> <ul style="list-style-type: none"> <li>HR Policies</li> </ul>	While Current plus <b>3 year</b>
<b>Selection, Hiring, and Employment Records</b>	
<b>Records related to:</b> <ul style="list-style-type: none"> <li>Job descriptions</li> <li>Job applications/Resumes</li> <li>Job ads/Screening tools/tests</li> <li>Interview notes and other records related to hire/no-hire decisions.</li> <li>Offer Letters</li> <li>Promotions/Demotions/Transfers/Relocations</li> <li>Performance appraisals</li> <li>Terminations/Resignation Letters</li> <li>Reasonable accommodations and requests</li> <li>Training records incentive plans</li> <li>Merit systems/Seniority systems</li> <li>Employee Policy Acknowledgements</li> <li>Conflict of Interest Statement</li> </ul>	Length of employment, plus <b>3 Years</b>
<b>Affirmative Action Plan (AAP) Records (Federal Contractors)</b>	
<b>AAP records including those related to:</b> <ul style="list-style-type: none"> <li>Workforce analysis</li> <li>Job group analysis</li> <li>Availability analysis</li> <li>Placement goals</li> <li>Internal audit &amp; reporting systems</li> <li>External dissemination of policy, outreach, &amp; positive recruitment activities</li> <li>Data collection analysis</li> <li>Benchmarks for hiring</li> <li>Copy of EEO-1 Survey &amp; self-identification forms if applicable</li> </ul>	<b>5 Years;</b> A contractor must maintain a copy of its AAP and all documentation of good-faith efforts for the current and preceding years
<b>Payroll Records and Time Sheets/Cards</b>	
<b>Basic employee data:</b> <ul style="list-style-type: none"> <li>Name &amp; Address</li> <li>Social Security number &amp; Date of birth</li> <li>Gender</li> <li>Occupation &amp; Job classification</li> </ul>	Length of employment, plus <b>3 Years</b>
<b>Compensation records:</b> <ul style="list-style-type: none"> <li>Amounts and dates of actual payment</li> <li>Time &amp; day of week when employee's work week begins</li> <li>Total hours worked each day &amp; work week</li> <li>Basis and rate at which wages are paid</li> <li>Straight time and overtime hours/pay.</li> </ul>	It is recommended that employers retain records for the length of employment, plus <b>5 years</b>

<ul style="list-style-type: none"> <li>All additions/deductions from the employee's wages.</li> <li>Total wages paid each pay period</li> <li>Records explaining any sex-based pay differences</li> <li>Annuity and pension payments</li> <li>Fringe benefits paid</li> <li>Date of payment and the pay period covered by the payment</li> </ul>	
<b>Records including:</b> <ul style="list-style-type: none"> <li>Wage rates</li> <li>Job evaluations</li> <li>Collective bargaining agreements</li> <li>Any documentation that explains the basis for paying different wages to employees of opposite sexes in the same establishment</li> </ul>	Under the Equal Pay Act, employers must keep for the length of employment, plus at least <b>2 years</b>
<b>Form I-9</b>	
<ul style="list-style-type: none"> <li>Form I-9</li> <li>Copies of documentation (if applicable)</li> </ul>	Employers must retain documents for the duration of employee's employment. Upon termination, keep documentation for <b>3 Years</b> (after date of hire) OR <b>1 Year</b> (after date of termination), whichever date is later
<b>Employment Benefits</b>	
<b>Except for specific exemptions, ERISA reporting and disclosure requirements apply to all pension and welfare plans, including, but not limited to:</b> <ul style="list-style-type: none"> <li>Summary plan descriptions (updated with changes and modifications)</li> <li>Summary Material Modification (SMM)</li> <li>Certificates of Coverage</li> <li>Summary of Benefits</li> <li>Summary of Benefits and Coverage</li> <li>IRS determination letters</li> <li>Form 5500s</li> <li>Annual reports</li> <li>Notice of reportable events (plan amendments that may decrease benefits, a substantial decrease in the number of plan participants)</li> <li>Plan terminations</li> </ul>	<b>At least 6 years;</b> Records used to determine benefits that are or will become due for each employee participating in the plan must be retained if they are relevant
<ul style="list-style-type: none"> <li>Health &amp; Benefits Beneficiary Forms</li> <li>Medical, Dental/Vision Plan Elections</li> <li>Education Assistance Program Records</li> </ul>	Length of employment, plus <b>3 Years</b>
<b>Background Checks</b>	
<b>Background check information obtained through a consumer reporting agency:</b> <ul style="list-style-type: none"> <li>Credit reports</li> <li>Criminal history reports</li> <li>Driving records</li> <li>Information regarding character, general reputation, personal characteristics, or mode of living</li> <li>Any other background check reports created by a third party</li> <li>Consent forms &amp; required disclosures to individual subject to background checks</li> </ul>	Recommend retaining related information for at least <b>5 years</b> after the date of the consumer report, which is the statute of limitation in the fair credit reporting act (FCRA).
<b>Tax Records</b>	
<ul style="list-style-type: none"> <li>Employer identification number</li> <li>Amounts and dates of all wage, annuity, and pensions payments</li> </ul>	<b>4 years;</b> After filing the 4 <sup>th</sup> quarter for the year

<ul style="list-style-type: none"> <li>Amounts of tips reported</li> <li>The fair market value of in-kind wages paid.</li> <li>Any employee copies of Form W-2 that were returned as undeliverable</li> <li>Dates of employment</li> <li>Period for which employees and recipients were paid while absent due to sickness or injury and the amount and weekly rate of payments the employer or third-party payers made to them</li> <li>Copies of employee's &amp; recipients' income tax withholding allowance certificates (W-4, W-4P, W-4S, &amp; W-4V)</li> <li>Dates and amounts of tax deposits</li> <li>Copies of returns filed</li> <li>Records of allocated tips</li> <li>Records of fringe benefits provided, including substantiation</li> </ul>	
<b>Safety Data</b>	
<ul style="list-style-type: none"> <li>Log of occupational injuries and illnesses</li> <li>Records of injuries and illnesses</li> <li>Summary of injuries and illnesses</li> <li>OSHA 300/300A</li> <li>Records of exposure to toxic substances and bloodborne pathogens for each employee</li> </ul>	<p>Length of employment, plus <b>5 years</b></p> <p>Length of employment, plus <b>30 years</b></p>
<b>FMLA Leave Records</b>	
<b>Employee Data:</b> <ul style="list-style-type: none"> <li>Basic payroll/identifying employee data</li> <li>Dates FMLA leave is taken by FMLA-eligible employees (leave must be designated in records as FMLA leave) Including the hours of leave if FMLA leave is taken in increments of less than one full day</li> <li>Employee notices of leave provided</li> <li>Copies of employee notices of leave provided to the employer under the FMLA, if in writing, and copies of all eligibility notices given to employees as required under the FMLA.</li> <li>Any documents (including written/electronic records) describing employee benefits or employer policies &amp; practices regarding the taking of paid and unpaid leave.</li> <li>Employee premium payments</li> <li>Records of any dispute between the employer &amp; an eligible employee regarding designation of leave as FMLA leave, including any written statement from the employer or employee</li> </ul>	<p>Length of employment, plus <b>3 Years</b></p>
<b>Health Care Continuation – COBRA</b>	
<ul style="list-style-type: none"> <li>Records of written notice to employees and their dependents of their option to continue group health plan coverage following certain qualifying events.</li> </ul>	<p>COBRA has no record-keeping requirements. However, many experts recommend that records be maintained for <b>6 years</b> from the date of the record to remain consistent with ERISA</p>
<b>Polygraph Test Records</b>	
<ul style="list-style-type: none"> <li>A copy of the written statement that outlines the time and place of the test and the employee's right to consult an attorney.</li> <li>A copy of the employer's written notice to the examiner that identifies the employee(s) to be tested.</li> </ul>	<p>At least <b>3 years</b> from the date the polygraph was conducted or from the date it was requested if it was never administered.</p>

<ul style="list-style-type: none"> <li>Copies of all opinions, reports, or other records obtained by the employer from the examiner relating to polygraph test.</li> </ul>	
<b>Disability Accommodations</b>	
<ul style="list-style-type: none"> <li>Requests for reasonable accommodation from employees and/or applicants and responses and/or accommodations provided by employer.</li> </ul>	From the date of making the record or of the personnel action involved, whichever occurs later to <b>3 years</b> from termination.
<b>Drug Test Records</b>	
<ul style="list-style-type: none"> <li>Drug Test Records; See list of records at 49 C.F.R. S382.401 for employees covered by the U.S. Department of Transportation (DOT)</li> </ul>	<b>1 year</b> from test date and up to <b>5 years</b> for records relating to drug testing for DOT positions
<b>Military Leave Records</b>	
<ul style="list-style-type: none"> <li>All records related to a military leave of absence and reemployment and employee benefits during and upon return from a military leave.</li> </ul>	<b>Indefinite;</b> no statute of limitations under the Uniform Services Employment and Reemployment Rights Act (USERRA).

For more information on specific record retention, please refer to <https://www.shrm.org/>